



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inde application of: Bartholomew et al.

Group Art Unit: 3754

Serial No.: 10/716,317

Examiner: Douglas, Steven O.

Filed: November 18, 2003

For: APPARATUS AND METHOD FOR CUSTOM COSMETIC DISPENSING

Attorney Docket No.: 1026.017C2

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

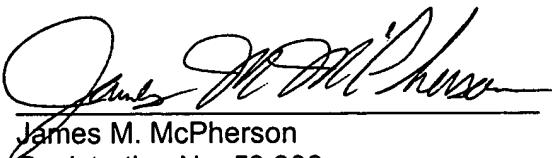
1. The owner, IMX LABS, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory terms of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on Application Number 10/253,191, filed September 24, 2002, Issued as U.S. Patent Number 6,615,881 and Application Number 10/246,391, filed on September 18, 2002, Issued as U.S. Patent Number 6,672,341. The owner hereby agrees that any patent so granted on this instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

2. In making the above disclaimer, IMX LABS, INC., through its attorney, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of Serial No. 10/253,191, filed September 24, 2002, Issued as U.S. Patent Number 6,615,881 and Serial No. 10/246,391, filed on September 18, 2002, Issued as U.S. Patent Number 6,672,341 in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(b), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title above.

Enclosed is a check in the amount of \$110.00. If any additional fee is due with the filing of this paper please charge the amount to deposit account 50-1097.

Respectfully submitted,

Dated: July 27, 2004



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